



Governor Terry E. Branstad
Lt. Governor Kim Reynolds
San Wong, Director

PUBLIC SAFETY ADVISORY BOARD MINUTES OF REGULAR MEETING

**Iowa Department of Public Safety
215 E. 7th Street, Public Conference Room
Des Moines, Iowa**

September 24, 2014

- Present:** Mardi Allen; Trisha Barto; Hon. Romonda Belcher; Kim Cheeks; DeAnn Decker; Mary Ingham; Mary Kovacevich; Kurt Swaim for Sam Langholz; Amber Markham; Hon. Jeffrey Neary; Lettie Prell; Sherri Soich; Tom Walton; Steve Lukan; ex officio: Rep. Chip Baltimore; Sen. Charles Schneider; Rep. Mary Wolfe* (*via phone)
- Staff:** Steve Michael, Interim Administrator; Cheryl Davidson; Terry Hudik; Sarah Johnson; Julie Rinker; Lanette Watson
- Others**
- Present:** Cathy Engel; Joann Finkenbinder; Amanda Freel; Bill Freeland; Beth Lenstra; Marty Ryan
- Absent:** Tom Ferguson, Chair; John Spinks, Vice Chair; John Hodges; Michelle Leonard; Tony Thompson

I. Call to Order, Welcome, and Introductions

Kurt Swaim, Chair Pro Tem, called the meeting to order at 12:20 p.m.

II. Approval of Minutes—May 19, 2014

Judge Jeffrey Neary moved to approve the minutes from the May meeting, seconded by Mardi Allen. The motion was unanimously approved.

III. Analysis of the Sex Offender Special Sentence DRAFT Report

Sarah Johnson, CJJP, reviewed the draft report which included revocations and costs of the special sentence. Overall, the research reflected that supervision is expensive and there are low rates of reoffending. The report will be presented for endorsement next week to members of Iowa's Sex Offender Research Council. She invited this group to provide input and bring forth any policy recommendations. The following summarizes discussion and comments:

- From a cost/benefit viewpoint, the special sentence is not the best area to focus funding with regard to public safety.

- More judicial discretion is needed. Currently, there is no option for individualized sentencing.
- Providing judges with risk assessment information should be considered.
- Just prior to release, offenders should have an evidentiary hearing to determine whether the special sentence is appropriate. Prosecutors could provide evidence for judicial consideration when deciding the severity of sentence.
- Reserving special sentence jurisdiction would give defendants an incentive for treatment and obeying rules.

Neary offered to provide contact information from a conference regarding sex offender sentencing and related issues.

There was consensus that more time was needed to further study options before making any formal recommendations. Michael will share the above comments with the Sex Offender Research Council members. Information from other states will be provided.

IV. Legal Update – Juvenile Mandatory Minimum Sentences – State v. Lyle

Michael reviewed the handout regarding the Iowa Supreme Court ruling in State v. Lyle. The ruling applied in State v. Lyle also applies to other juveniles in Iowa subjected to the mandatory minimum sentence and requires resentencing of all juveniles affected by this decision.

Prell noted that the ruling encompassed approximately 100 offenders who were juveniles when sentenced.

The document was provided as information. Comments included that recently proposed legislative bills would most likely not be valid based on this ruling.

V. Identification of Issues for December, 2014, Report

After a brief discussion, there was consensus to continue reviewing the issues contained in the prior year's report.

VI. Additional Issues for Next Meeting

Neary requested an update on the Sex Offender Research Council meeting. Michael will provide a draft of the final report. Prell suggested that Sex Offender Research Council recommendations be included in the Public Safety Advisory Board's annual report. The Board agreed to meet again on November 19, 2014.

VII. Adjournment

Mary Ingham moved to adjourn, seconded by Neary. The motion was unanimously approved. The meeting adjourned at 12:52 p.m.

Respectfully submitted,
Julie Rinker, Administrative Secretary,
Div. of Criminal & Juvenile Justice Planning, Iowa Department of Human Rights